



Attorney Docket No. 13533/48003

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Peter BRINK et al.
Group Art Unit: 1632
Application No.: 10/757,827
Examiner: Singh, Anoop Kumar
Filed: January 15, 2004
For: MESENCHYMAL STEM CELLS AS A VEHICLE FOR
ION CHANNEL TRANSFER

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1). However, please debit Deposit Account No. 11-0600 (under order no. 13533/48003) in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).

The references were cited in a counterpart foreign application. A copy of the Office Action dated February 6, 2006 is attached. An English language version of the foreign search report is also attached for the Examiner's information.

Respectfully submitted,

KENYON & KENYON LLP


Teresa A. Lavenue
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Date: May 10, 2006

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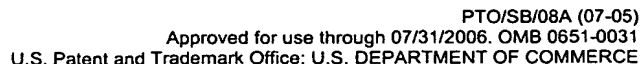
Respectfully submitted,

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|-------------------------------|--------------------|
| Application Number | 10/757,827 |
| Filing Date | January 15, 2004 |
| First Named Inventor | Peter BRINK et al. |
| Art Unit | 1632 |
| Examiner Name | Singh, Anoop Kumar |
| Attorney Docket Number | 13533/48003 |

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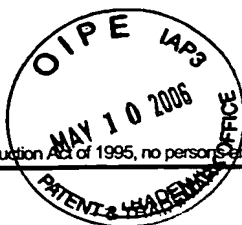
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Sheet 2 of 2

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|------------------------|--------------------|
| Application Number | 10/342,506 |
| Filing Date | January 15, 2003 |
| First Named Inventor | Peter BRINK et al. |
| Art Unit | 1633 |
| Examiner Name | Kaushal, Sumesh |
| Attorney Docket Number | 13533/48002 |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|------------------------|--------------------------|---|----------------|
| | 1 | Jihong Qu et al., HCN2 Channel Overexpression in Rat Ventricle via Adenovirus-Mediated Gene Transfer, Circulation, Vol. 104, Oct. 2001, page II-133 | |
| | 2 | Arjang Ruhparwar et al., Transplanted fetal cardiomyocytes as cardiac pacemaker, European Journal of Cardio-thoracic Surgery, Vol. 21, May 2002, pages 853-857 | |
| | 3 | Catalin Toma et al., Human Mesenchymal Stem Cells Differentiate to a Cardiomyocyte Phenotype in the Adult Murine Heart, Circulation, Vol. 105, Jan. 2002, pages 93-98 | |
| | 4 | Bodo E. Strauer, Repair of Infarcted Myocardium by Autologous Intracoronary Mononuclear Bone Marrow Cell Transplantation in Humans, Circulation, Vol. 106, Oct. 2002, pages 1913-1918 | |
| | 5 | L. Vaca et al., Mutations in the S4 domain of a pacemaker channel alter its voltage dependence, FEBS Letters, Vol. 479, Aug. 2000, pages 35-40 | |
| | 6 | Alexei Plotnikov et al., Human Mesenchymal Stem Cells Transfected with HCN2 as a Gene Delivery System to Induce Pacemaker Function in Canine Heart, Circulation, Vol. 108, Oct. 2003, p. IV-547 | |
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